

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE PHOENIX INSURANCE COMPANY a/s/o  
Visual Graphic Systems, Inc.,

Index No: 07-CV 11177

*Plaintiff,*

*-against-*

**COMBINED DISCOVERY DEMANDS**

DHL EXPRESS (USA), INC.; STAMACK  
CONSTRUCTION, LLC; and CON-TECH, INC.,

*Defendants.*

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SIRS:

PLEASE TAKE NOTICE, that pursuant to CPLR 3101 et.seq. you are hereby demanded to serve within twenty (20) days the following information and material for discovery and inspection at LAW OFFICES OF DONALD L. FRUM , attorneys for the Defendant, STAMACK CONSTRUCTION, LLC, 565 Taxter Road - Suite 150, Elmsford, NY 10523.

- A) Written authorizations permitting the undersigned to obtain the repair and replacement records of the items claimed to be damaged;
- B) Written authorizations to obtain the original purchase records of the items claimed to be damaged;

**WITNESS STATEMENTS**

Complete copies of all STATEMENTS taken of the defendant and a complete list of the NAMES AND ADDRESSES OF ALL WITNESSES obtained by the plaintiffs at the scene of the occurrence or through subsequent investigation who have furnished knowledge of:

- a. The happening of the occurrence alleged in plaintiff's complaint;
- b. Any acts or omissions constituting the negligence claimed in the complaint;
- c. Condition of the items complained of before damage and after damage;
- d. The repair and replacement of the items claimed to be damaged.

If no such statements exist and there are no such witnesses known, so state in reply to this demand.

**DEMAND FOR INCIDENT REPORTS**

Any accident/incident reports relating to the matter to which this action refers made in the usual course

of business by the plaintiffs or any agent, servant or employee of the plaintiff pursuant to Section 3101(g) the CPLR.

### **DEMAND FOR PHOTOGRAPHS**

Any photos, motion pictures and/or video tapes of the incident scene, the parties, the instrumentalities or the items claimed to be damaged, taken by or in the possession of the plaintiffs, its attorneys or its insurance carrier or their agents, servants and employees which pertain to the matter to which this action refers and any photos which the plaintiff(s) or their attorneys intend to utilize as an exhibit or evidence at the trial of this action.

### **MISCELLANEOUS**

Copies of any and all agreements and/or contracts entered into or between the parties and any deposition transcripts already executed.

### **DEMAND FOR OTHER INSURANCE**

A verified statement setting forth information regarding Plaintiff's business coverage insurance that would cover the loss claimed, including, the name of the insurance carrier and policy limits. Provide a copy of the declaration page of said coverage(s).

Further, it is demanded that the plaintiff(s) list and identify in a verified statement each and every collateral source including, but not limited to, insurance, setting forth the names, addresses, and policy numbers of the providers of such collateral sources as well as the amounts paid and the dates paid.

### **DEMAND FOR EXPERT INFORMATION**

1. The name and address of each and every person you expect to call as an expert witness at the trial of this action;
2. In reasonable detail, the subject matter on which each expert is expected to testify;
3. The substance of the facts and opinions on which each expert is expected to testify;
4. The qualification of each expert witness and;
5. A summary of the grounds for each expert's opinion.
6. Copies of photographs to be utilized by expert.

PLEASE TAKE NOTICE, that the foregoing are continuing demands; and if any of the above items are obtained or discovered after the date of this demand, they are to be immediately furnished to the undersigned pursuant to these demands.

PLEASE TAKE FURTHER NOTICE that if these demands are not complied with, an application will be made for the imposition of appropriate sanctions arid to compel compliance with this notice.

Dated: Elmsford, New York  
April 1, 2008

Yours, etc.,

LAW OFFICES OF DONALD L. FRUM

By: Paul S. Zilberfein

Paul S. Zilberfein, Esq. (7462)

*Attorneys for Defendant*

STAMACK CONSTRUCTION, LLC

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**To:**

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